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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,893	09/28/2001	Jeffrey S. Autor	1662-39200 JMH (P01-3593)	3532

23505 7590 09/08/2006

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EXAMINER	
TODD, GREGORY G	

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/965,893	AUTOR ET AL.	
	Examiner	Art Unit	
	Gregory G. Todd	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 11-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 11-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This office action is in response to applicant's amendment filed, 12 June 2006, of application filed, with the above serial number, on 28 September 2001 in which claims 8 and 11 have been amended and claims 9-10 have been cancelled. Claims 1-8 and 11-35 are therefore pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 7, 12-15, 17-18, 22-25, 27-28, and 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Ip (hereinafter "Ip", 2003/0046339).

As per Claim 1, Ip teaches a computer server rack, comprising:

a plurality of modular server chassis (10) configured to hold a plurality of computer servers (15), each chassis comprising a chassis controller (30) having a processor and a memory; and

a communications bus internal to the server rack and coupling each of the chassis controllers (55) (at least Fig. 1; paragraphs 22-24);

wherein the chassis controllers transmit and receive a server rack name on the communications bus (at least paragraph 22, 24; unique server / rack identification from coupling); and

wherein the name of the rack is stored in the memory in each chassis controller (at least paragraph 24, 30; identification sent to data collection unit).

As per Claim 2. The server rack of claim 1 further comprising at least one modular power supply chassis configured to hold a plurality of power supplies and further comprising a chassis controller having a processor and a memory (at least paragraph 20, 23, 38; rack power supply).

As per Claim 3. The server rack of claim 1 further comprising an external port in at least one of the computer servers (at least paragraph 22);

wherein the rack name is assigned to the rack via manual input through the external port (at least paragraph 24).

As per Claim 7. The server rack of claim 1 wherein; the memory in which the rack name is stored is flash memory (at least paragraph 30).

Claims 12-15, 17-18, 22-25, 27-28, and 32-34 do not add or define any additional limitations over claims 1-3, and 7 and therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4-6, 8, 11, 16, 19-21, 26, 29-31, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ip in view of Smith (hereinafter "Smith", 6,792,515).

As per Claim 4, Ip fails to teach each chassis controller further comprises a conflict flag; wherein if a controller receives a rack name from the internal communications bus that differs from the rack name stored in memory, the controller issues a naming conflict message and changes the position of the conflict flag. However, the use and advantages for using such a protocol is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Smith (at least col. 6, lines 12-41). Smith teaches avoiding duplicate geographical addressing for server blades. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Smith's unique server addressing with Ip's system as Ip teaches giving a server or rack a unique MAC address or IP address (at least paragraph 24), as an example, thus if not using the example, it would have been desirable for Ip's system to have another unique naming scheme as similarly taught by Smith.

As per Claim 5. The server rack of claim 4 wherein the conflict flag is a bit field in the chassis controller (at least Smith col. 6, lines 12-41).

As per Claim 6. Ip and Smith teach the server rack of claim 4 wherein the naming conflict message provides a warning to a server administrator as Ip teaches monitoring the status (at least paragraph 19, 32) and collecting information to be transmitted to a user or technician. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Smith's unique naming method with Ip's remotely monitoring status to produce the desired invention as Ip teaches all monitoring statistics to be transmitted to a user or technician.

As per Claim 8, Ip teaches a chassis controller deployable in a server rack comprising:

a processor (at least paragraph 30);

a system memory (at least paragraph 30);

a flash memory (at least paragraph 30);

an bus port through which the controller may communicate with other controllers, said bus port internal to the server rack (at least paragraph 30; 24; coupling); and

a device bus port through which the controller may communicate with other devices in the same chassis (at least paragraph 22, 24; rack coupling);

wherein the name of the rack in which the chassis is disposed is stored in flash memory (at least paragraph 24; data collection unit);

wherein if the controller receives a rack name from the device bus, the new name is written to flash memory (at least paragraph 24).

Ip fails to teach the controller receiving a rack name from the bus, the new name is compared with the rack name in flash memory to check for name conflicts. However, the use and advantages for using such a protocol is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Smith (at least col. 6, lines 12-41). Smith teaches avoiding duplicate geographical addressing for server blades. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Smith's unique server addressing with Ip's system as Ip teaches giving a server or rack a unique MAC address or IP address (at least paragraph 24), as an example, thus if not using the example, it would have been desirable for Ip's system to have another unique naming scheme as similarly taught by Smith.

As per Claim 11. The chassis controller of claim 10 further comprising:

if the controller receives a conflict message from the internal bus, the existing name in flash memory is invalidated (at least Smith col. 6, lines 12-41).

Claims 16, 19-21, 26, 29-31, and 35 do not add or define any additional limitations over claims 4-6 and 10-11 and therefore are rejected for similar reasons.

Response to Arguments

6. Applicant's arguments filed 12 June 2006 have been fully considered but they are not persuasive. Applicants argue, in substance, that Ip fails to teach the chassis controllers transmit and receive a server rack name on the communications bus, nor that the name of the rack is stored in the memory in each chassis controller.

In response, Ip teaches servers connecting up to a rack, with each server having unique identification and each rack having unique identification. This data is received and transmitted within each rack and between other racks (see paragraphs 24-25, Fig. 2). Ip further teaches a data collection unit used to collect and transmit all the data related to the server and rack configuration. The data collection unit is identical to the chassis controller of the present invention as claim 1 states "each chassis comprising a chassis controller having a processor and a memory", thus each rack of Ip having a data collection unit with a processor and memory for storing and collecting the data related to each rack.

Applicant further argues limitations from claims 12-15, 17-18, 22-25, 27-28, and 32-34 as not have similar limitations. However, Examiner maintains the position that the claims are substantially similar to those of claims 1-3 and 7, as well as evidenced by Applicants lack to draw this conclusion in prior responses. Applicant further argues limitations from claims 16, 19-21, 26, 29-31, and 35 as not have similar limitations. However, Examiner maintains the position that the claims are substantially similar to those of claims 4-6, 8 and 11, as well as evidenced by Applicants lack to draw this conclusion in prior responses.

In response to applicant's argument that Smith and Ip miss the purpose of the invention, so as to share common information, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newly cited Cheng et al and Lyon et al, in addition to previously cited Irving et al (server chassis having unique identifiers), and Hipp (chassis/ slot address having a physical identifier), Bodner et al, Nouri et al, Clubb et al, Sims et al, Hughes et al, Lopez, and Smith are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G. Todd whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd

Patent Examiner

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